

U.S. Probation Office
Northern District of Ohio

2005 Annual Report

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

~ District Judges ~

James G. Carr, Chief Judge
Lesley Wells
Solomon Oliver Jr.
Kathleen M. O'Malley
Peter C. Economus
Donald C. Nugent
Patricia A. Gaughan
James S. Gwin
Dan Aaron Polster
John R. Adams
Christopher A. Boyko

~ Senior District Judges ~

John M. Manos
Ann Aldrich
David D. Dowd Jr.
Sam H. Bell
David A. Katz

~ Magistrate Judges ~

David S. Perelman
James S. Gallas
Patricia A. Hemann
Vernelis K. Armstrong
Nancy A. Vecchiarelli
George J. Limbert
William H. Baughman Jr.
Kenneth S. McHargh

Table of Contents

Report of Chief Probation Officer	1
Figure 1 - Northern District of Ohio by County	2
Figure 2 - Sixth Circuit	2
INVESTIGATIONS	3
Figure 3 - Presentence Reports	3
Staffing	3
Training	4
SUPERVISION	5
Figure 4 - Offenders Under Supervision	5
Figure 5 - Offenders Under Supervision by Type	6
Figure 6 - Offenders Under Supervision by Offense	7
Figure 7 - Cases Closed by Supervision Type	7
Figure 8 - Offenders by Gender	8
Figure 9 - Offenders by Race	8
Figure 10 - Average Age of Offenders	9
Figure 11 - Violation Reports	9
Home Confinement Program (HCP)	10
Figure 12 - HCP Monitoring Costs	10
Aftercare Treatment	11
Figure 13 - Drug & Alcohol Expenditures	11
Figure 14 - Mental Health Expenditures	12
Cybercrime	12
DNA Testing	13
Criminal Justice Forum	13
SAFETY	14
Search & Seizure	14
Firearms	14
Defensive Tactics	15
ADMINISTRATIVE SERVICES	16
Figure 15 - 2005 Expenditures	16
Automation	16
HUMAN RESOURCES	18
Personnel	18
Figure 16 - Workforce by Gender	18
Figure 17 - Workforce by Ethnicity	19
Training	19
Diversity	19
Figure 18 - NDOH Organizational Chart	20
Office Locations	21

Report of Chief Probation Officer

As this is my first year as the Chief Probation Officer, I am pleased to carry on the tradition of the annual report.

As our Charter of Excellence proclaims, “. . . We facilitate the fair administration of justice and provide continuity of services throughout the judicial process. We are outcome driven and strive to make our communities safer and to make a positive difference in the lives of those we serve. We achieve success through interdependence, collaboration, and local innovation. We are committed to excellence as a system and to the principles embodied in this Charter.” This year we have shown that we are committed to those values in the changes we have made and initiatives we have begun.

We have had many major accomplishments throughout the year. To highlight a few, our office was one of the leaders in modifying presentence reports due to several decisions made by the Supreme Court. We have restructured the Firearms, Home Confinement, and Search and Seizure programs. We also began several other initiatives, such as the Workforce Offender program and Offender Orientation that will continue into next year and beyond. For the first time, our district was selected to host two national conferences, The National Association of Pretrial Services Agencies conference in September 2007, and the Workforce Offender Program in April 2008.

I am grateful for the support of the Judges and their staff. I want to thank our staff for the professional way in which they carry out our statutory responsibilities and the professionalism they exemplify. We are fortunate to have talented and capable people that do so many things well. I thank each of them for their commitment and hard work in meeting the challenges we faced this year. As the new year approaches, we look forward to developing, implementing, and modifying programs to meet the needs of the Court and community.

Greg L. Johnson

Northern District of Ohio by County

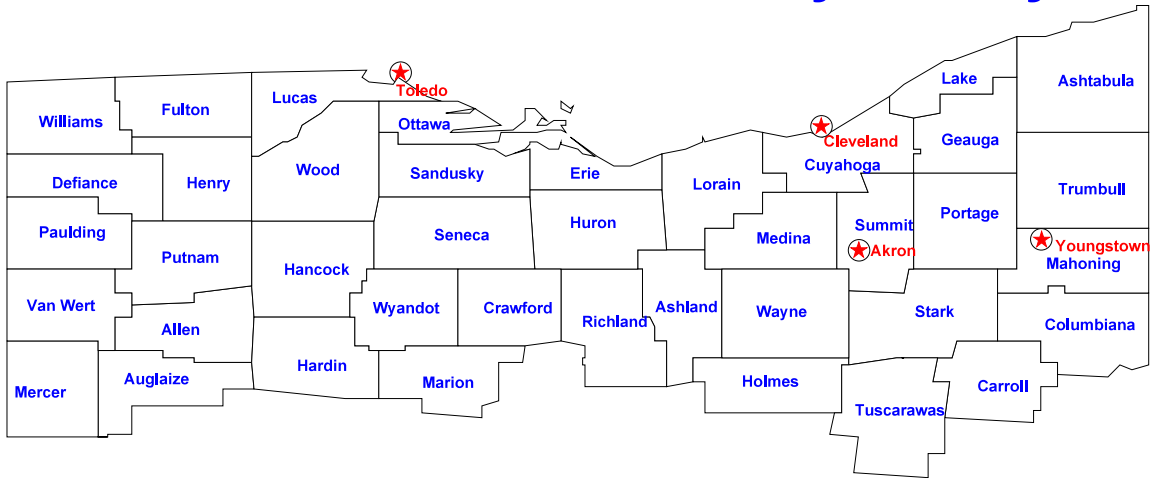


Figure 1 - Northern District of Ohio by County

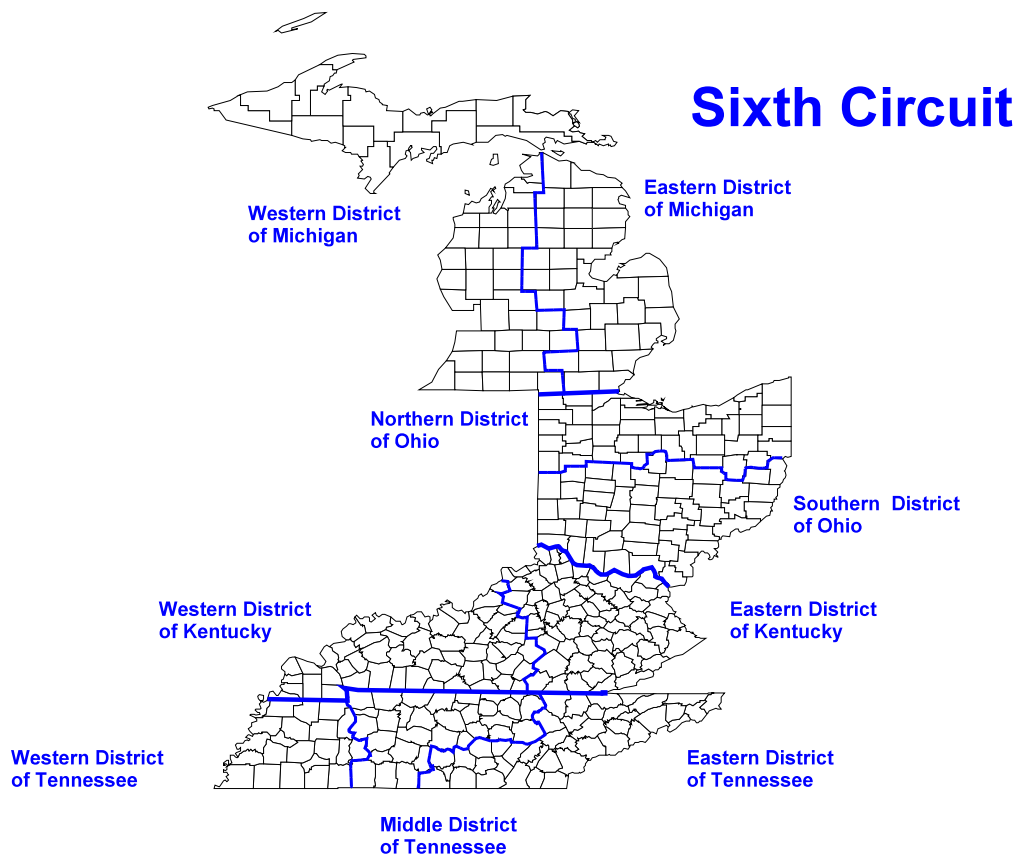


Figure 2 - Sixth Circuit

INVESTIGATIONS

A total of 1,019 presentence investigations were completed by probation officers in the District. The Cleveland office completed the majority of the workloads, followed by Akron, Toledo and Youngstown. Timeliness for the total office work was 89 percent.

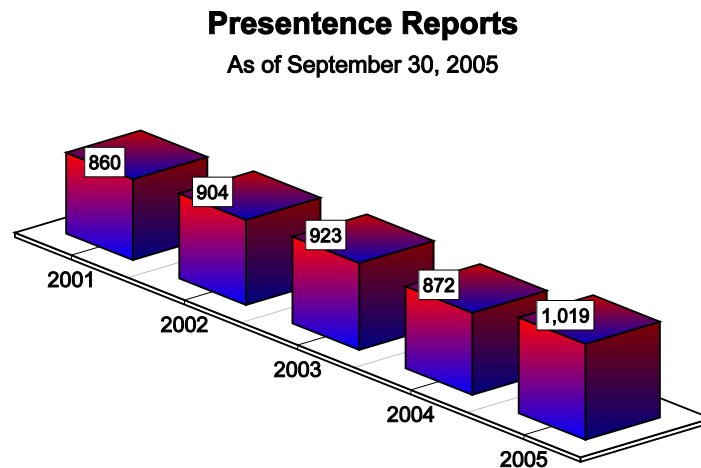


Figure 3 - Presentence Reports

Staffing

Cross-training continued with addition of new officers and the rotation of younger officers in Cleveland, Akron, and Toledo. The Youngstown office maintained the same writer during the year and will rotate a new officer in the next fiscal year.

One Presentence Specialist serves the District as mentor to line staff and as an assistant to Presentence Supervisors. This role will continue to be defined in the next fiscal year.

In conjunction with their oversight of the Presentence Units, Toledo and Youngstown Presentence Supervisors have additional supervision duties and have efficiently divided their time in order to meet presentence investigation needs of the Court.

Training

The Federal Sentencing Commission provided a one day training session for the Probation Office and Court Judicial Officers on the Supreme Court Rulings related to the Booker case. Because of this ruling, the Guidelines became advisory, and the presentence process was affected throughout the nation. The Northern District of Ohio modified its presentence format in order to accommodate the rulings. Specifically, a disclaimer was added at the beginning of the Presentence Report and Part E was expanded to notify parties of the factors to be considered in imposing sentence. To enumerate the factors pursuant to 18 U.S.C. § 3553, the Recommendation section was also re-formatted. Yearly, supervisor coordinated training for Presentence Units was successfully held in combination with Supervision Units.

Four officers attended the Annual Federal Guidelines Seminar in San Francisco. This was a very large conference as a result of the Supreme Court Decisions in the Blakely and Booker cases.

Units conducted meetings throughout the year to discuss updates in sentencings, format issues and staffing assistance in times of high volume. Several multi-defendant cases were sentenced out of Youngstown, Akron and Cleveland, and supervisors continue to work toward insuring that the Court receives a timely, quality product. The Cleveland office selected a support staff member to assist in the Presentence Unit referral process. The process continues to be developed.

Presentence Unit Supervisors have made efforts to improve communication with the Pretrial Services Office, U.S. Attorney's Office and the Court. This will continue to be a standing goal.

SUPERVISION

There were 1,720 offenders on supervision at the end of the fiscal year, which is 21 fewer cases than reported last year. For the first half of the fiscal year, this District complied with the directive from the Office of Probation and Pretrial Services to terminate cases before their expiration date if they met the criteria. The focus of this initiative continues to be to slow the growth of staff, while the system faces an ever increasing number of offenders being released to the community.

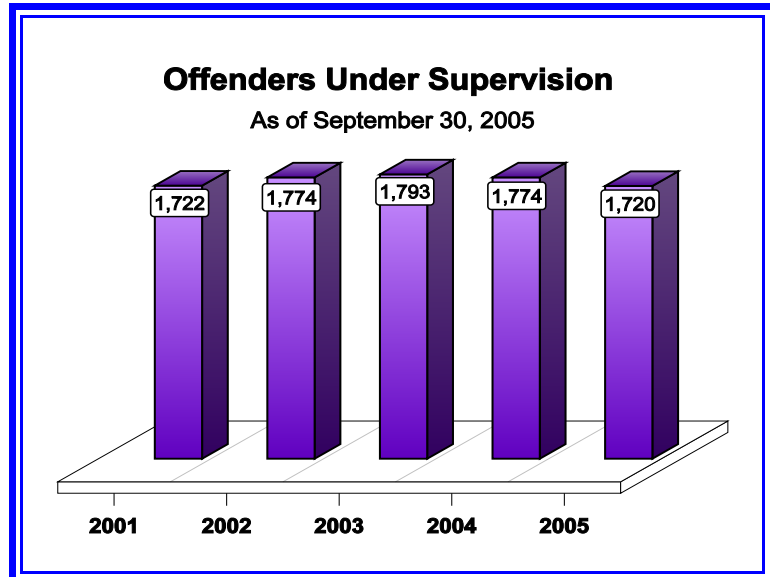


Figure 4 - Offenders Under Supervision

Work continued toward full implementation of Monograph 109, in conjunction with greater functionality of PACTSecm. The upgrades to PACTS meant placing greater control of the management of the casework via Acton lists and a new approach to staffing revised plans. With the greater ease of preparation of revised plans, probation officers and their supervisors were encouraged to become more field-based in their supervision efforts and less bound to their office desks. The case planning process continued to stimulate more conversation between supervisors, specialists and probation officers. Initial and subsequent case plans were submitted timely, with few officers and supervisors failing to meet their monthly staffing schedules. Both supervisors and probation officers acknowledged the positive benefits of this proactive collaborative approach in supervising offenders.

During this fiscal year, 34 probation officers supervised 1,720 offenders. Three supervisors continued to dedicate their workload solely to supervision officers, while three other supervisors had oversight of both presentence writers as well as supervision officers. Although efforts were made to lower caseload size, there were fluctuations as attempts were made to balance the District need to train officers in both supervision and presentence investigations. Supervision officers completed 518 Violation Reports, 70 reports less than the number completed last year. Of the 127 offenders revoked, 111 were serving terms of supervised release with the balance of 16 on probation or parole.

The District continued to have a presence at the Bureau of Prisons Community Corrections facilities to assist in the transition of offenders back to the community. Probation officers receive Bureau of Prisons inmates as assigned cases 120 days before their release on supervision. This is viewed as a positive step in becoming actively engaged with offenders before their release to community supervision.

The re-entry initiatives are critical to lowering the rate of recidivism. Supervision officers are focusing more on the employment and educational needs of offenders. Before the start of their supervision term, offenders are required to attend supervisor-conducted orientation programs held in the Probation Office. A family member or “significant others” are also encouraged to attend, in an effort to clarify expectations and engage others in the supervision process to achieve a successful outcome.

Offenders Under Supervision by Type

As of September 30, 2005

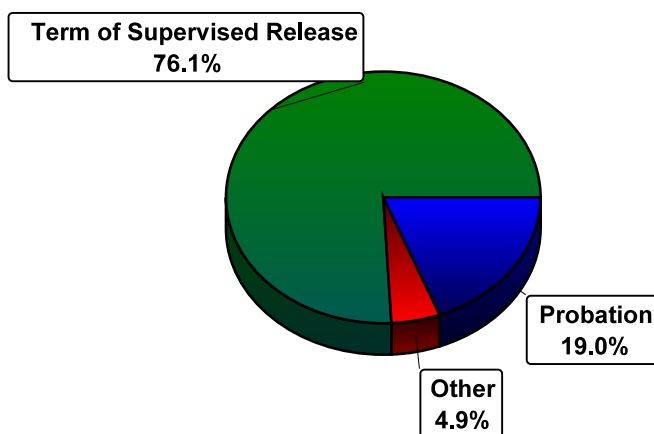


Figure 5 - Offenders Under Supervision by Type

Offenders Under Supervision by Offenses

As of September 30, 2005

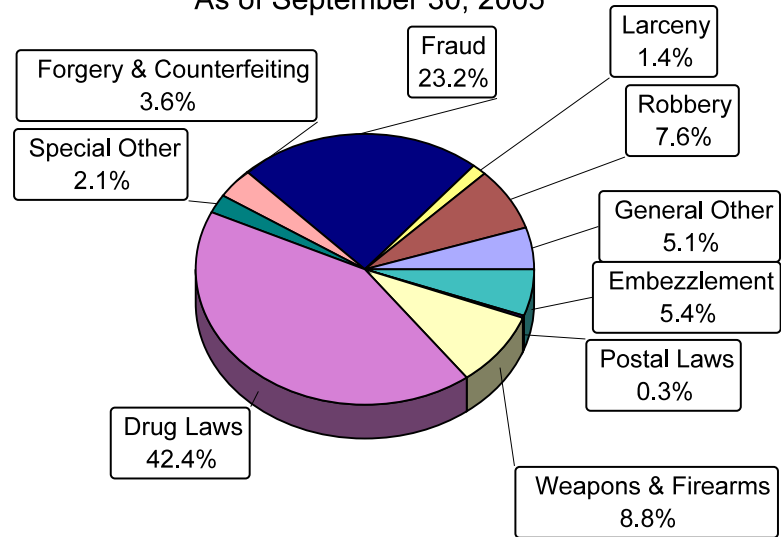


Figure 6 - Offenders Under Supervision by Offense

Cases Closed by Supervision Type

As of September 30, 2005

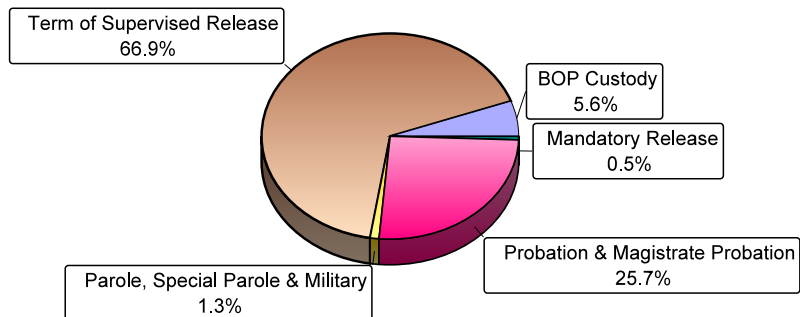


Figure 7 - Cases Closed by Supervision Type

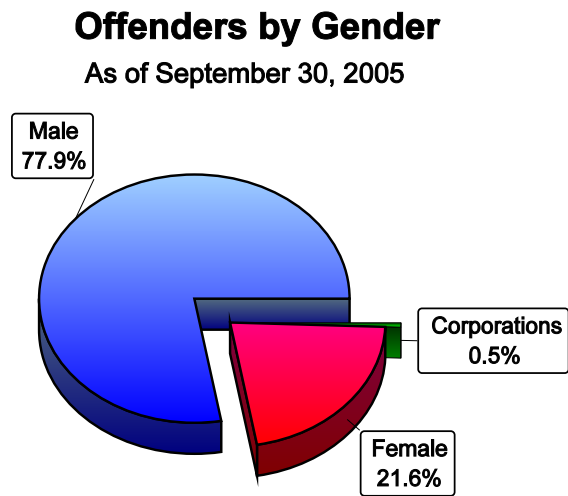


Figure 8 - Offenders by Gender

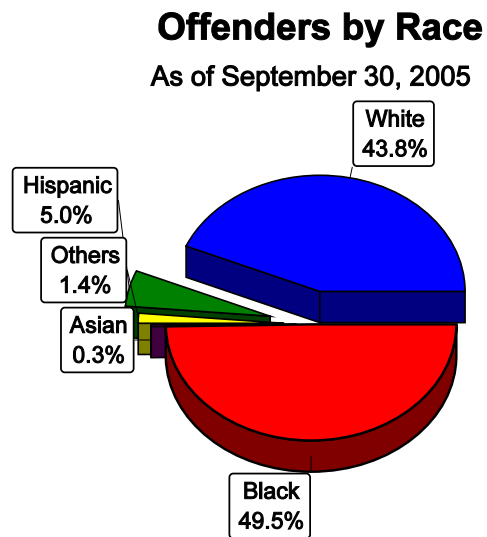


Figure 9 - Offenders by Race

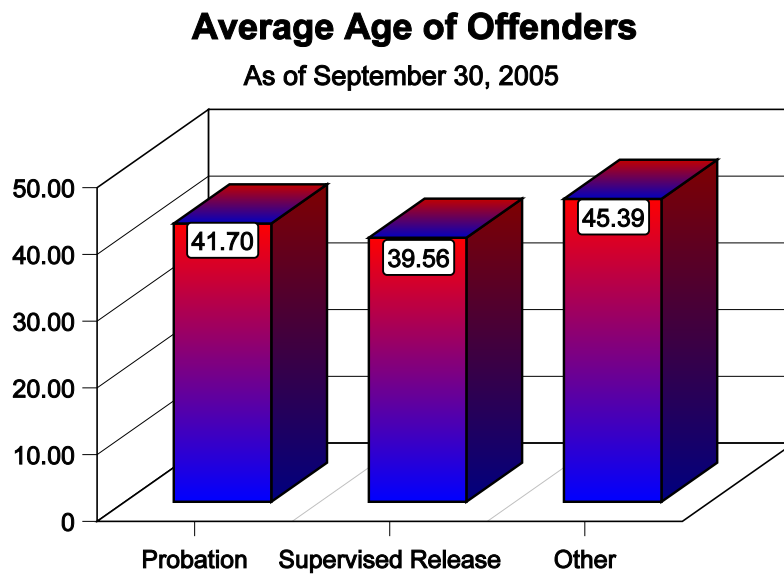


Figure 10 - Average Age of Offenders

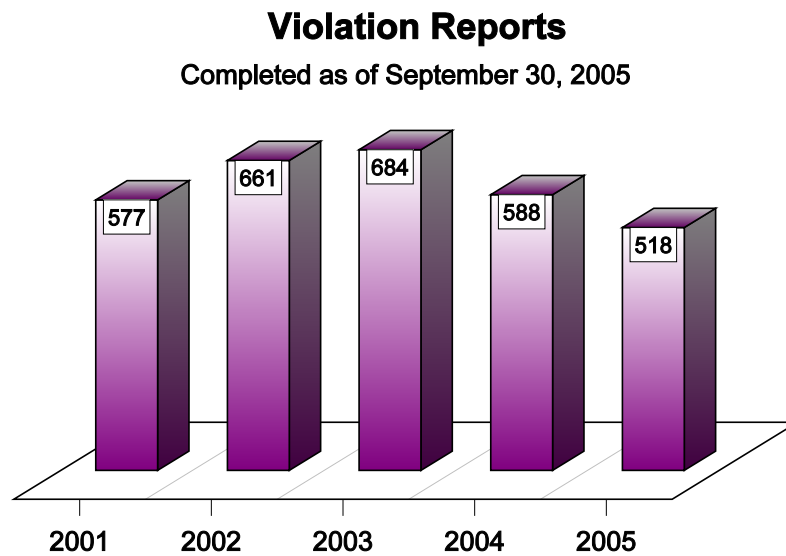


Figure 11 - Violation Reports

Home Confinement Program (HCP)

The Home Confinement Program (HCP) has been in existence in our District for almost 13 years. It is used as an alternative to incarceration. HCP is utilized as an alternative sanction by the Court, the Bureau of Prisons, and the Parole Commission to impose a sentence, address violation behavior, or as a pre-release component of a sentence. Variations of monitoring have been used in order to determine the most effective manner of supervising offenders. The Home Confinement Program provides intensive community supervision to offenders which includes program monitoring 24

hours a day, 7 days a week, year round. Our district uses both Electronic and Non-Electronic Monitoring. Electronic Monitoring is the preferred means and provides the most accountability. Offender schedules are limited to work, medical appointments, religious services, schooling and other necessity leaves. In order to respond quicker to program violations, the District began using the Emergency Warrant on HCP cases.

This fiscal year brought about many changes to the program. In May, HCP cases were assigned to supervision officers throughout the District. Previously, a HCP Team covered the assignments. This change required the HCP Specialist to train all supervision officers on addressing electronic monitoring cases. The HCP Specialist has a caseload of HCP cases and has program oversight.

The number of cases increased slightly for the year, which was in part due to two large multi-defendant conspiracy cases in the Youngstown area. The Booker, Fanfan decisions may also have increased the use of electronic monitoring for cases that may have previously been incarcerated.

Total cost for the year for operating the HCP monitoring services was \$73,045, and the cost of the electronic monitoring services was \$3.26 per day for most of the year. Due to the flexibility in billing, many offenders were only ordered to make partial payment of costs. The number on Non-Electronic cases increased slightly, but Electronic Monitoring is the preferred option by the Probation Office, as it provides the most accountability.

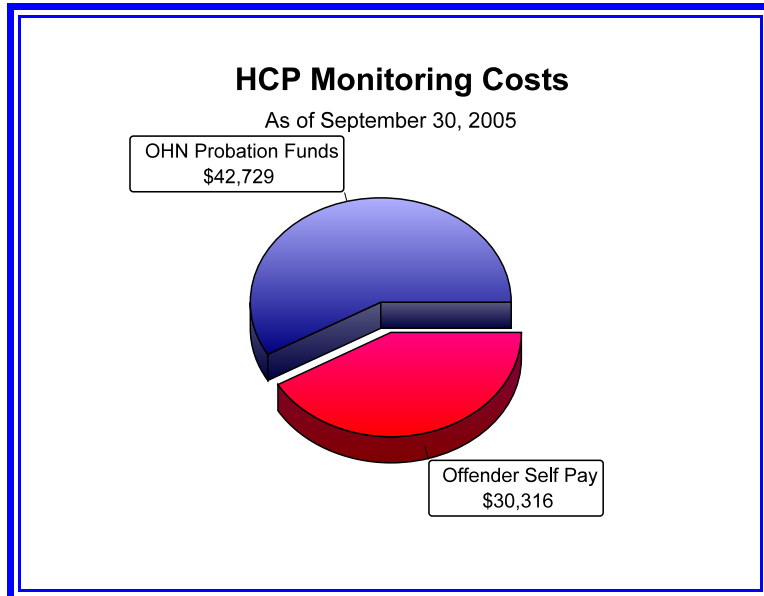


Figure 12 - HCP Monitoring Costs

Aftercare Treatment

The mission of the Aftercare Treatment Program is to provide quality oversight of treatment services to the Court-mandated offender population in Northern Ohio. The treatment team of five Aftercare Treatment Specialists, a Probation Officer Assistant and several support personnel throughout the District faced many challenges this fiscal year. The Program needed to operate effectively and efficiently in a budget environment which initially required cost-reduction measures without sacrificing services necessary to support the rehabilitative efforts of the substance abusing and mental health offender populations. It

also needed to provide the community controls so essential for a positive adjustment for the sex offender population, in the interest of public safety. Incentives utilized by the Aftercare Treatment Team included the continued application of the Texas Christian University Drug Screening Instrument. Fewer drug and alcohol assessments were contracted with providers, if secure community resources for inpatient detoxification and residential drug treatment was available. More instant drug tests were administered by officers. Contractor collection of urine specimens continued as the exception rather than the norm. Contractor utilization for urine surveillance was able to be increased again in an effort to alleviate some of the demands on the officer. A return to residential drug treatment by contractor as the primary resources rather than a supplemental resource allowed for almost immediate removal of the offender from the community into inpatient treatment, rather than shopping for the shortest waiting list among available community resources. However, the length of time in treatment phases was monitored closely, with offenders moving through the phases and out of treatment quickly, if possible.

An ever-changing environment requires a flexible and resourceful workforce to meet the needs of both the Court system and the community. The Aftercare Team continues to work with staff and providers to accomplish the mission of the District.

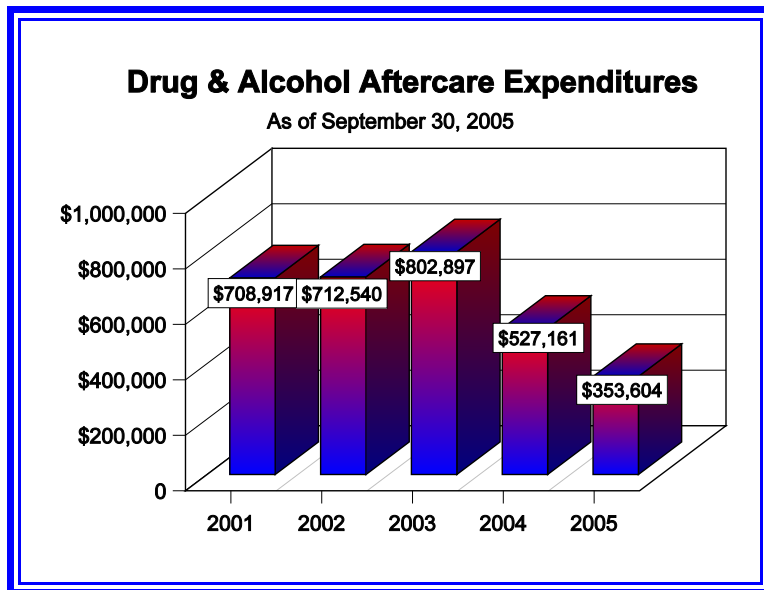


Figure 13 - Drug & Alcohol Expenditures

Mental Health Aftercare Expenditures

As of September 30, 2004

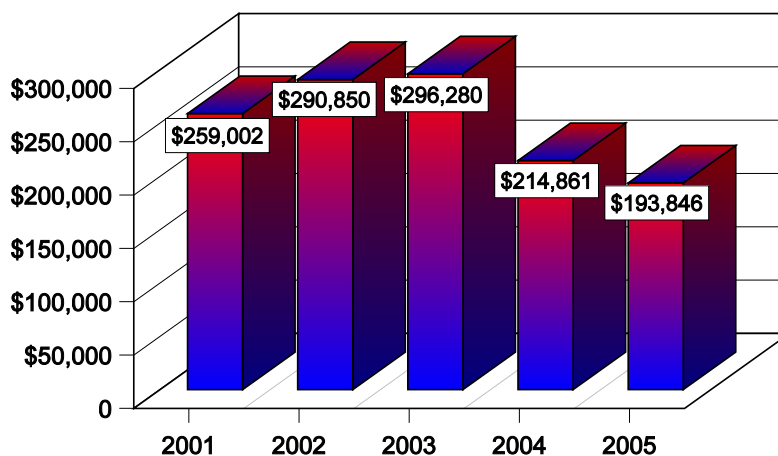


Figure 14 - Mental Health Expenditures

Special Offender Program

The Special Offender Program addresses cases which present community risk issues significantly beyond the issues of a typical general supervision case. Special Offenders include: organized crime, gangs, including motorcycle, prison, ethnic, terrorists, supremacy groups, major drug or weapons traffickers, habitual career criminals, sex offenders, public corruption and/or offenders receiving a high degree of publicity or notoriety. Successful management of special offenders reduces potential risk to the community. Because this type of offender presents unique challenges, the supervision strategy is tailored for the individual offender by the Special Offender Specialist. The Special Offender Specialist routinely conducts field travel during nontraditional work hours to areas known for high crime and violence to investigate and manage those offenders who pose a greater risk or require more intensive supervision/risk control.

The Special Offender Team consists of three Special Offender Specialists (SOS) and a Computer Crimes Specialist. They serve as mentors to line officers and as in-house resources for the investigation and supervision of offenders requiring a risk-control approach. Team members act as liaisons with local and national law enforcement and with other probation or parole agencies regarding risk-control investigation and supervision.

Cybercrime

The prevalence of high tech offenses continues to increase. Presentence referrals for offenses involving computers and/or the Internet continue to be on the rise, most notable in the area of child pornography and "traveler" cases. Other increases were noted in bank, mail, and identity fraud cases. Additionally, offenders placed on supervision for cybercrime also increased. This increase justified the placement of the Computer Crime Specialist into special supervision caseload focusing on cybercrime.

Most significant risk cases have computer monitoring software installed, and the computers are routinely examined prior to the installation of that software. There were four new installations, one re-installation, and one unit for the first time installed in a Pretrial case. It was also the first year an employer consented to having monitoring software installed on a work-site computer. Monitoring software repeatedly detected problem behavior during the year.

Computers are routinely examined prior to the installation of monitoring software. The examinations are limited in scope by their nature. One random, limited, onsite computer search was completed this fiscal year.

To keep up with current trends, the District's Computer Crime Specialist maintains contact with all federal agencies involved in the investigation of computer crime.

DNA Testing

The testing program continues to function effectively. For this fiscal year, a total of 1,009 offenders submitted DNA samples district-wide. A budget expenditure of \$12,693 was attributed to the program. We are now testing offenders under the Justice for All Act of 2004, which requires testing of all convicted felons currently under federal supervision. In August 2005, the FBI began using a new method of DNA collection known as the finger prick. Upon expiration of the old testing kits, the District will begin using the new testing system, which will help to expedite the collection process.

The District continues to utilize local health laboratories to handle the blood collection, while a DNA representative for each office conducts the fingerprinting. The Youngstown and Toledo offices have almost completed testing of all offenders. They are now focused on collecting from offenders beginning their supervision. Cleveland and Akron offices have increased testing sessions to accommodate the large number of offenders currently on supervision. The Bureau of Prisons has not yet started DNA collection under the Justice for All Act, however, they have submitted a draft policy that is currently under review. In 2006, the focus will be on completion of all offenders currently under supervision in the District.

Criminal Justice Forum

The Criminal Justice Forum remains a viable vehicle of communication for the Chief Judge, Chief Probation Officer, Chief Pretrial Services Officer, Clerk of Court, U.S. Attorney, Federal Defender, U.S. Marshal and interested Judges and Magistrate Judges. Items of mutual concern are discussed and, at times, these discussions result in policy or procedural changes. Meetings are held every other month. The agenda and minutes are the responsibility of the Chief Probation Officer. During the fiscal year topics of discussion included Half-way House concerns, use of confidential informants, Probation's Workforce Offender Program, Modification of Local Rules, Probation presentence report changes re Booker/Fanfan, and the Blakley decision. In November of 2004, the Forum hosted an informative visit by the new Warden at FCI, Elkton.

SAFETY

Search & Seizure

In January, a reorganization process began, with safety and training being paramount. Four search team coordinators and 15 search team members were selected. The Search Team completed over 40 hours of extensive tactical, evidence and cross training with other law enforcement agencies to include the FBI, U.S. Probation Office in the ND/OK, and the Broken Arrow Police Department in Tulsa County Oklahoma. Several modifications were made to the *Search & Seizure Policy and Procedures Manual*. The team adopted a new method of entry, utilizing a slow and methodical clearing of the residence. This method was determined to be more conducive to our role as Probation Officers and provides for a safer environment in which to conduct searches. In December 2005, the Court approved the revisions to the Search Manual.

Firearms

During this fiscal year, the District Firearms Instructor (DFI) resigned and a replacement was selected. The new DFI completed the Firearms Instructor Certification Training at the Federal Law Enforcement Training Center (FLETC), in Charleston, South Carolina. Effective 2005, the Administrative Office made it mandatory that all Assistant Firearms Instructors (AFI) receive the same training as the DFI. This alleviates any district from being without an AFI for an extended period of time should the DFI resign. One AFI successfully completed Firearms Instructor Certification Training at FLETC. The AFI from pretrial will attend training at FLETC in December and the remaining team members will attend in 2006. FLETC will also provide a mandatory forty hour firearms course as a part of new officer orientation.

In 2005, the Firearms Program implemented many changes. As with other safety initiatives, the Probation Office and Pretrial Services have combined their efforts in training officers. The program has purchased new equipment that includes holsters, field tactical vest, magazine holders and lock boxes for home storage/safety and body armor for new officers and replacements for those that were outdated. Practice ammunition is offered quarterly. For officers who had difficulty qualifying; practice shoots and individual training sessions were offered. In 2006, qualifications will be conducted on turning targets, low light shooting and combat/practical shoots will also be a part of training. The team will be implementing an Accidental Discharge Policy and a review of current policy will be conducted to determine if any improvements are warranted. Currently, 33 probation officers and 5 pretrial services officers are qualified to carry a firearm in the district.

Defensive Tactics

Defensive Tactics training includes a full-day of basic defensive tactics as well as an office-based scenario. The trainers practice twice a month, in order to stay current with the curriculum. Three female instructors took additional training over a 10-week period to prepare for a female defensive tactics program. Reorganization of the program began which entailed formation of a new team and review of the safety policy. Several cap stun classes were held during the year to train new officers and re-certify current staff.

ADMINISTRATIVE SERVICES

Funding for expenses, excluding rent and salary benefits, totaled \$8,455,982. This includes 16 GSA leased vehicles. Budget responsibility rests with the Administrative Manager. Monthly budget meetings are held with the Chief and Deputy Chief Probation Officer.

2005 Expenditures As of September 30, 2005	
Salaries	\$6,254,566
Law Enforcement	\$744,728
Aggregate (General)	\$236,045
Historical	\$24,637
Automation	\$238,784
Sub-Total	\$7,498,760
Inter-Unit Transfers	\$554,109
End of Year Return	\$403,113
Total Expenditures	\$8,455,982

Figure 15 - 2005 Expenditures

Automation

IT Department Consolidation

In October 2004, the District Court and Probation office automation staffs were consolidated into one department under the leadership of the Director of Information Technology. The department is now organized by function rather than by supported court unit, with managers supervising desktop support, network support, and national applications. This allows for more efficient and integrated use of staff and resources for better mobilization and service to the Probation office and the Court. This integration also encourages standardized technology that can be more efficiently distributed across the entire court.

Hardware

Cyclical replacements this year included five PCs, 58 flat panel monitors, 32 printers and 14 notebook computers. Also installed was a Cleveland drug laboratory computer, which gives officers additional access to information.

Major Upgrades (Software and Infrastructure)

A major upgrade this year was the move to Windows XP on the work station. The Probation office migrated off of the Novell file server/network structure and onto a Windows 2003 server platform and Active directory network management system. This is a configuration shared by the District Court and fosters a more efficient use of staff and resources.

Server tape backups for all locations were centralized to the Cleveland office, along with online file replication, to provide superior redundancy/backup of users' work product and documents.

The Toledo office's network infrastructure was upgraded (switches and file server) for improved performance.

Web services were improved by the consolidation of the Probation intranet web site with the District intranet site and through the deployment and upgrade of web filtering software. Videoconferencing systems in Cleveland and the branch offices were repaired/or replaced to provide more reliable service.

PACTS/ECM (Probation Automated Case Tracking System/Electronic Case Management) PACTS-ECM was upgraded, allowing scheduling of reports to run at off hours. Also, implementation of digital data reporting tools for the Administrative Office took place, as well as the addition of seven WordPerfect forms, which pull data directly from PACTS/ECM, eliminating duplicate data entry.

HUMAN RESOURCES

Personnel

Based on workload, the staff allocation was 110.0 positions. However, due to budget reductions, the received funding was at 103.8 positions. With two retirements during the year, one transfer into the District, and two new officers entering on duty, the fiscal year was ended with 94 employees filling 93 positions, and one probation officer candidate awaiting appointment. Chief Probation Officer John J. Peet, III retired on January 3, 2005 after almost 30 years of service. In addition, Deputy Chief Probation Officer Lenora Barry retired on June 30, 2005 after 30 years of service. On January 4, 2005, the District welcomed Greg L. Johnson, former Deputy Chief in the Northern District of Oklahoma, as the new Chief Probation Officer.

The office continues to maintain a diverse workforce. The demographics by race/ethnicity, age, gender and disability remain similar to those reported in FY 2004. The staff has a representation of 47% male and 53% female. The cultural representation of the organization is 57% Caucasian, 34% African-American, 8% Hispanic and 1% Asian. Approximately 61% of supervisory and management staff are female and 39% are male. This group has a representation of 61% Caucasian, 28% African-American, and 11% Hispanic.

Workforce by Gender

As of September 30, 2005

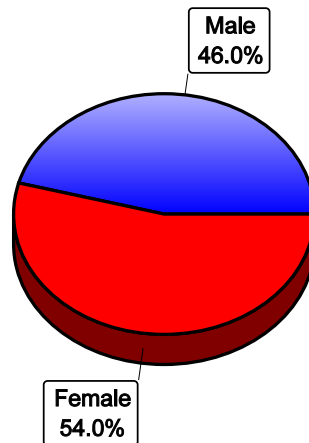


Figure 16 - Workforce by Gender

Workforce by Ethnicity

As of September 30, 2005

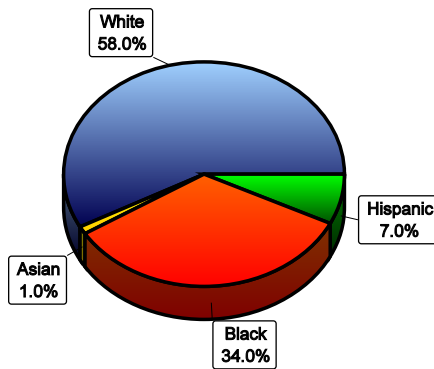


Figure 17 - Workforce by Ethnicity

Training

Staff training continued to focus in areas related to the role of the Probation Office, and more than 3300 hours of training were completed. The major areas of training included safety, firearms certification, defensive tactics, and training for the Search & Seizure team continued through the year. Staff also participated in programs related to Workforce Development, Offender Reentry, Financial Crimes, and Hate Crimes.

Diversity

The first Hispanic heritage celebration, initiated by the Probation Office for the Court family, *Hispanics in the Private Sector*, was held in October 2004, and the annual “*A Celebration of African American Heritage*,” was held in February of 2005 in the Cleveland Courthouse. Both programs included guest speakers and entertainment, as well as exhibition of various artifacts and related books, which remained displayed in the courthouse library for a couple weeks after the programs. Receptions followed with culturally specific foods.

Both functions were well attended by Court family staff and were video cast to the District’s branch locations.

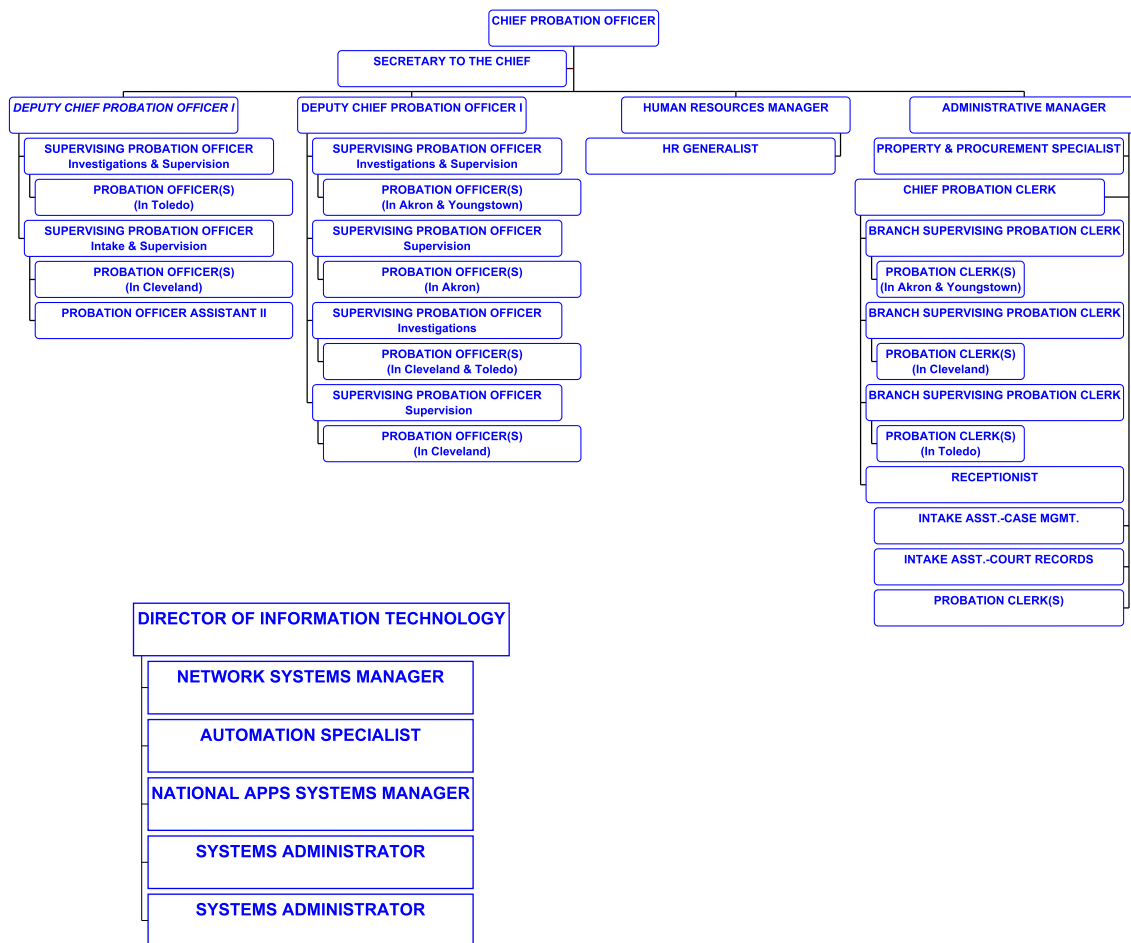


Figure 18 - NDOH Organizational Chart

Office Locations

Cleveland Headquarters Address

801 West Superior Avenue, Suite 3-100
Cleveland, Ohio 44113-1850
216.357.7300

Counties Served

Cuyahoga, Geauga, Lake, Lorain

Akron Office Address

2 South Main Street, B3-55
Akron Ohio 44308-1810
330.252.6200

Ashland, Carroll, Crawford,
Holmes, Medina, Portage,
Richland, Stark, Summit,
Tuscarawas, Wayne

Toledo Office Address

215 N. Summit Street, Suite A
Toledo, Ohio 43604-2659
419.259.6432

Allen, Auglaize, Defiance, Erie,
Fulton, Hancock, Hardin, Henry,
Huron, Lucas, Marion, Mercer,
Ottawa, Paulding, Putnam,
Sandusky, Seneca, Van Wert,
Williams, Wood, Wyandot

Youngstown Office Address

125 Market Street, Suite 210
Youngstown, Ohio 44503-1478
330.884.7470

Ashtabula, Columbiana, Mahoning,
Trumbull